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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,793	10/27/2000	Bruce D. Melick	P04254US1	6695

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EXAMINER
HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/698,793	MELICK ET AL.	
	Examiner	Art Unit	
	Monplaisir G Hamilton	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-47* is/are pending in the application.

4a) Claim(s) *9 and 10 are cancelled and 21-34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 35-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Claims 1-8 and 11-44 were pending. The communication filed on 6/24/03 amended Claims 1-5, 17, 20, 35 and 38 and added Claims 45-47. Claims 1-8 and 11-47 are pending.

Response to Arguments

2. Applicant's arguments filed 6/23/03 have been fully considered but they are not persuasive.

Applicants argue: *"The Applicants understand that Jungers describes using a "transport stream" but not in the manner of the Applicants' claimed invention. Jungers does not disclose that transport stream information is a part of the data structure... The data structure of Jungers simply does not describe where (or perhaps more accurately, "when") within a transmission, particular information is found. Rather, the data structure of Jungers describes the location of data within the data structure-not the location of data within a transmission. The location information within a data structure of the data stream does not provide the location of data within a transmission. Thus any location information within the data structure of Jungers can not be understood to indicate a position of data within a transmission - but merely the position of data within the data structure. With respect to claim 6, claim 6 explicitly requires "writing a linear file allocation table giving the name of the field and location within a transmission at which the field contents start and stop." Thus, claim 6 can not be anticipated by Jungers because Jungers does not disclose this limitation, as the location within the data structure of Jungers is not the same as the location within a transmission. Thus, this rejection should be withdrawn."*

Contrary to Applicant's argument Jungers' data structure describes a transport stream. Jungers explicitly discloses this col 3, lines 1-5, "while the following description will focus on an embodiment of the invention utilizing a transport stream adapted to a particular data structure, it is important to note". In addition to this disclosure Jungers col 14, lines 2-5, states "In one embodiment of the invention the data stream is sent multiple times to enable the recovery of missed messages. In view of these disclosures examiner concludes that in at least one embodiment, Jungers discloses that the data stream is a transport stream. Furthermore examiner holds that Jungers data structure describes the location of field content within a transmission and anticipates the claimed invention.

Applicants argue: *"With respect to claim 35, claim 35 has been amended to explicitly add the limitation of "without separately packetizing the data fields." It is respectfully submitted that this limitation further clarifies the differences and advantages the present invention has over Jungers. Because the data of claim 35 is not separately packetized, there is less overhead in the extraction process. For example, the receiver would know where to find the data based on its position information in the transmission so would not need to store or buffer all the data received."*

Examiner disagrees with applicant's interpretation of Jungers. Jungers buffers the data because to process the message/segments (col 5, lines 30-40). The segments include directory information, which tells the receiver how to decode/interpret the retrieved segments (col 6, lines 1-40). Based on the directory information that is built the receiver is able to load field information (col 8, lines 1-15). Jungers does not separately packetize data fields. Based on

directory information, Jungers is able to interpret the received segments. Examiner holds that Jungers anticipates the claimed invention.

Applicants argue: *"The Examiner indicates that "...the duration information is equivalent to the claimed pulse start information." (Office action, paper no. 5, page 10, numbered paragraph 8). Claim 17 explicitly requires "pulse start and end information." The duration information of Chung is not the same. Chung does not disclose the step of "identifying the fields in a linear file allocation table including pulse start and end information for each of the fields." The time intervals of Chung are not a part of a linear file allocation table. The time intervals between pulses in Chung represent the data. In the applicant's invention, the pulse start and end information relates to the location of each field of data. Therefore Chung can not anticipate and this rejection to claim 17 should be withdrawn."*

Examiner disagrees with applicant. Chung explicitly discloses the duration between said pair of flux reversals, pulses is compared to time intervals stored within a coding table relating time intervals to a particular symbol, character, or binary pattern (col 6, lines 60-65). Examiner holds that the duration information is equivalent to claimed pulse start and end information, and the symbol information is equivalent to the field information. Chung col 16, lines 45-60 discloses the measuring the time interval between a first digital pulse and a second pulse. The first pulse is equivalent to the start pulse and the second pulse is equivalent to the stop pulse. The interval information stored in the coding table inherently associates the value of the start and stop pulses, with the symbol field information. Furthermore, Chung's coding table is equivalent to the claimed linear file allocation table, the coding table like the linear file allocation table is

stored as part of the preamble or header of a data stream. Examiner holds that the disclosure of Chung renders the claimed invention unpatentable.

Claim Rejections - 35 USC § 112

3. Claims 35-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's claim transmitting the data fields identified in the linear file allocation table without separately packetizing the data fields (Claim 35, lines 7-8). Examiner is unsure what part of the disclosure supports this claim. Applicant's disclosure page 7, lines 9-11 explicitly state that a feature of the present invention is the provision of a pre-packaged structured linear database for use as a telecommunication data packet. In addition, applicant's disclosure, page 19, lines 10-13 explicitly states a structured linear database can store the same data in a one-dimensional, pre-packetized format.

According to Merriam-Webster's Collegiate Dictionary Tenth Edition, prepackage means: to package. Furthermore, US 5956729 discloses "Pre-packetized" means that the data stored in media block body 330 is organized as discrete packets of information that can be transported without requiring any processing by the server to build the packets (col 6, lines 65-col 7, line 5). In view of these facts examiner has concluded that applicant has essentially disclosed packetizing/packaging the data in the linear file allocation table. Therefore the disclosure as filed does not support the amendment "without separately packetizing".

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 6-8, 11-16, 35, 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Jungers.

Referring to Claim 6:

Jungers discloses a method of transmitting data from a master to a user, the method comprising: understanding the type of data to be transmitted from the master (col 4, lines 20-25); accessing the data stored by the master; creating one or more fields corresponding to the type of data to be transmitted (col 3, lines 45-55); writing a linear file allocation table giving the name of the field and location within a transmission at which the field contents start and stop (Fig 1, col 3, lines 40-50); transmitting the linear file allocation table to a user; and transmitting the data from the master to the user at the location indicated in the linear file allocation table (col 1, lines 5-10).

Referring to Claim 7:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the transmission occurs using a time modulated ultra-wide band system (col 4, lines 35-45).

Referring to Claim 8:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the transmission occurs using a fiber optic system (col 4, lines 35-45).

Referring to Claim 11:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses repeating the transmitting of the linear file allocation table to a user; and repeating the transmitting of the data from the master to the user at the location indicated in the linear file allocation table such that both the linear file allocation table and the data are stored on a transmission system (col 14, lines 1-5).

Referring to Claim 12:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the transmitting occurs at a high rate of speed (col 4, lines 35-50).

Referring to Claim 13:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the transmitting is highly secure (col 4, lines 35-50).

Referring to Claim 14:

The method of transmitting data from a master to a user of claim 6 wherein the transmitting is done wirelessly (col 4, lines 40-45).

Referring to Claim 15:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the data includes streaming data (col 1, lines 25-40).

Referring to Claim 16:

Jungers discloses the limitations as discussed in Claim 6 above. Jungers further discloses the data includes non-streaming data (col 1, lines 25-30; col 11, lines 42-45).

Referring to Claim 35:

Jungers discloses a method of providing universal data exchange, the system comprising: organizing data into data fields (Fig 1; col 2, lines 15-20); identifying the data fields in a linear file allocation table (directory) (Fig 1; col 3, lines 10-15); providing a receiving device capable of understanding the linear file allocation table (col 4, lines 20-25); transmitting the linear file allocation table to the receiving device; transmitting the data fields identified in the linear file allocation table without separately packetizing the data fields (col 4, lines 50-55; col 7, line 60-col 8, line 40); and identifying the data fields by the receiving device according to the file allocation table (col 4, lines 50-55; Fig 4; col 5, lines 30-65; col 6, lines 1-15).

Referring to Claim 38:

Jungers discloses the limitation as discussed in Claim 35 above. Jungers further discloses the fields identified in the file allocation table are identified by reference to a standard format understandable by the receiver device (col, 4 lines 55-67; col 5, lines 1-5).

Referring to Claim 39:

Jungers discloses the limitation as discussed in Claim 35 above. Jungers further discloses the digitally encoded data in a public formatted structured linear database is used (col 1, lines 35-45).

Referring to Claim 40:

Jungers discloses the limitation as discussed in Claim 35 above. Jungers further discloses the digitally encoded data in a privately formatted structured linear database is used (col 4, lines 65-67).

Referring to Claim 41:

Jungers discloses the limitation as discussed in Claim 35 above. Jungers further discloses the steps of transmitting are performed using time modulated ultra wideband radio frequency transmissions (col 4, lines 35-50).

Referring to Claim 42:

Jungers discloses the limitations as discussed in Claim 35 above. Jungers further discloses the steps of transmitting are performed over guided media (col 1, lines 45-50).

Referring to Claim 43:

Jungers discloses the limitation as discussed in Claim 35 above. Jungers further discloses ultra wideband radio frequency transmissions are performed over non-guided media (col 4, lines 35-50).

Referring to Claim 44:

Jungers discloses the limitations as discussed in Claim 35 above. Jungers further discloses the steps of transmitting use a duplex transmission method (col 5, lines 25-35; col 9, lines 15-20; col 4, lines 35-50).

Referring to Claim 45:

Jungers discloses the limitations as discussed in Claim 41 above. Jungers further discloses the transmissions are over guided media (col 1, lines 45-50; col 4, lines 35-50).

Referring to Claim 46:

Jungers discloses the limitations as discussed in Claim 45 above. Jungers further discloses the transmissions are over non-guided media (col 1, lines 45-50; col 4, lines 35-50).

Referring to Claim 47:

Jungers discloses the limitations as discussed in Claim 35 above. Jungers further discloses ultra wideband frequency transmissions are performed over guided media (col 1, lines 45-50; col 4, lines 35-50).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung, herein referred to as Chung further in view of US 5719555 issued to Zeytoonjian et al, herein referred to as Zeytoonjian.

Referring to Claim 1:

Chung discloses a method for providing a structured linear database adapted for storage in a machine readable storage medium comprising: providing a linear file allocation table including a field name for one or more subdivisions of data and pulse start and end position information for each of the field names (col 4, lines 65-68; col 6, lines 60-65; col 8, lines 2-15); and providing a data portion which includes the data corresponding to each field in a predetermined position corresponding to the start and end position information in the file allocation table for each field (col 10, lines 1-5); and associating the linear file allocation table and the data portion in a pulse position encoded transmission (col 7, lines 30-35).

Chung does not explicitly disclose pulse start and end position information.

Zeytoonjian discloses using pulse start and end position information to deliver information to a receiver (col 16, line 45- col 17, line 50).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Chung such that pulse interval information is supplanted by pulse start

end information. One of ordinary skill in the art would have been motivated to do this because it would allow the decoding of information to be based on pulse start and end position information (col 16, lines 35-55).

Referring to Claim 2:

Chung and Zeytoonjian disclose the limitations as discussed in Claim 1 above. Chung further discloses a routing header portion and a tailbit portion with the linear file allocation table and the data portion (col 7, lines 35-40).

Referring to Claim 3:

Chung and Zeytoonjian disclose the limitations as discussed in Claim 1 above. Chung further discloses the structured linear database is transmitted over a telecommunications network (col 7, lines 35-40).

Referring to Claim 4:

Chung and Zeytoonjian disclose the limitations as discussed in Claim 1 above. Chung further discloses the structured linear database is transmitted over a time modulated ultra-wide band system (col 14, lines 40-50; col 15, lines 30-40).

Referring to Claim 5:

Chung and Zeytoonjian disclose the limitations as discussed in Claim 1 above. Chung further discloses the structured linear database is transmitted over a fiber optics system (col 14, lines 40-50; col 15, lines 30-40).

6. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung, herein referred to as Chung.

Referring to Claim 17:

Chung discloses a method of providing universal data exchange, the method comprising: organizing data into fields; identifying the fields in a file allocation table including pulse duration information (start and end information) for each of the fields (col 7, lines4-20); providing a receiving device with a driver program capable of understanding the file allocation table (col 15, lines 39-50); transmitting the file allocation table to the receiving device and transmitting the data fields identified in the file allocation table (col 10, lines 1-5; col 19, lines 38-55).

Chung does not explicitly disclose the claimed pulse start end information. However the duration information is equivalent to the claimed pulse start information. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Chung such that the pulse information is start and end information. One of ordinary skill in the art would have been motivated to do this because it would enable the transmission of data along with a code table to enable a receiver to decode the data of the message (col 19, lines 38-55).

Referring to Claim 20:

Chung discloses the limitations as discussed in Claim 17 above. Chung further discloses the fields identified in the file allocation table are identified by reference to a standard format, which can be understood by the driver program (col 10, lines 1-5).

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung as applied to Claim 17 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings.

Referring to Claim 18:

Chung discloses the limitations as discussed in Claim 17 above.

Chung does not expressly disclose the claimed "e-mail type fields"

Stalling discloses fields are e-mail type fields (page 704, lines 1-10; page 705; lines 1-12; page 706, Table 19.7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an email type fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transmitting email messages (page 70, lines 1).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung as applied to Claim 17 above, and further in view of US Patent 5818442 issued to Adamson.

Referring to Claim 19:

Chung discloses the limitations as discussed in Claim 17 above.

Chung does not expressly disclose the claimed "business specific type fields"

Adamson discloses the fields are business specific type fields (Fig 6; col 5, lines 30-43).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have business fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transferring business cards (col 2 lines 1-10).

9. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jungers as applied to Claim 35 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings.

Referring to Claim 36:

Jungers discloses the limitations as discussed in Claim 35 above.

Jungers does not expressly disclose the claimed "e-mail type fields"

Stalling discloses fields are e-mail type fields (page 704, lines 1-10; page 705; lines 1-12; page 706, Table 19.7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an email type fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transmitting email messages (page 70, lines 1).

10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jungers as applied to Claim 35 above, and further in view of US Patent 5818442 issued to Adamson.

Referring to Claim 37:

Jungers discloses the limitations as discussed in Claim 35 above.

Jungers does not expressly disclose the claimed "business specific type fields"

Adamson discloses the fields are business specific type fields (Fig 6; col 5, lines 30-43).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have business fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transferring business cards (col 2 lines 1-10).

Final Rejection

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 1703-746-7239 for regular communications and 1703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton
August 4, 2003

KIM VU
SUPERVISORY PATENT EXAMINER
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